

CITY OF ALAMO HEIGHTS
CITY COUNCIL
October 27, 2008

A regular meeting of the City Council of the City of Alamo Heights, Texas was held at the Council Chambers, 6120 Broadway, at 4:30 p.m. on Monday, October 27, 2008.

Present and composing a quorum were:

Mayor Louis Cooper
Mayor Pro Tempore Jill Souter
Councilman Stan McCormick
Councilman Bobby Rosenthal
Councilman Bill Kiel
Councilwoman Susan Harwell

Also attending were:

City Manager Rebecca Waldman
City Attorney Mike Brennan
Asst. City Manager/Public Works Director Shawn Eddy
Finance Director Cynthia Barr
Community Development Director Ann McGlone
Fire Chief Bill Hagendorf
Police Chief Rick Pruitt
Human Resources Manager/Deputy City Secretary Judie Surratt

Absent was:

Asst. to the City Manager/IT Manager Marian Ramirez

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Mayor Louis Cooper called the meeting to order at 4:35 p.m.

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Item #1 Mayor Cooper asked for any corrections or changes to the minutes of the October 13, 2008 regular City Council meeting. No corrections or changes were offered. Councilwoman Jill Souter made a motion to approve the October 13, 2008, City Council Meeting minutes as presented and Councilman Stan McCormick seconded the motion. All Council Members voted in favor of the motion.

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Item #2 City Manager's Report

City Manager Rebecca Waldman introduced Jennifer Reyna, recently hired to fill the City Secretary vacancy. Ms. Waldman informed everyone that Ms. Reyna is a Certified Texas Municipal Clerk and has broad experience in the City Clerk's office, City Manager's office and Economic Development Department in Lubbock, San Antonio and Citrus Heights, California. Ms. Waldman went on to say that the City is very fortunate to have acquired such a qualified candidate for the position and she will assume her duties on November 10, 2008. Ms. Reyna thanked the City Council Members and Ms. Waldman for giving her this opportunity and said that she was honored to have been chosen.

Community Development Director Ann McGlone introduced new employee Kathryn Rodriguez who started on October 15, 2008, in the position of Community Development Coordinator. Ms. McGlone stated that Ms. Rodriguez graduated from the University of Texas San Antonio with a Bachelor's degree in Architecture and has worked in the Planning field for several years. Ms. McGlone further stated that Ms. Rodriguez would be instrumental in assisting her with the compilation of the Comprehensive Plan. Ms. Rodriguez said she was very happy to be with the City of Alamo Heights and everyone has been very warm, welcoming and friendly.

As a reminder to the Council and residents, Ms. Waldman read the revised City Council Meeting dates for November and December: Monday, November 10th, 5:30 p.m. (Regular Meeting); Wednesday, November 12th, 8:30 a.m. (Special Meeting to canvas the election); and Monday, December 8th, 5:30 p.m. (Regular Meeting).

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Citizens To Be Heard Concerning Non-Agenda Items

Ms. Margaret Houston, 140 Patterson Avenue, suggested to Council that a moratorium be put in place on demolitions until such time as the historic and architecturally significant homes can be identified and catalogued. Ms. Houston went on to say that the City of Terrell Hills had issued a proclamation last November in support of a "buy local" initiative. Ms. Houston offered her services to get a similar program started in Alamo Heights. In conclusion, Ms. Houston expressed her gratitude to the Fire/EMS Department shift and Dispatch employee who were on duty on Saturday, October 11th for the care she received after becoming ill.

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Mayor Cooper announced that an item had been omitted from the City Manager's Report segment and called City Manager Rebecca Waldman back to introduce the item.

Ms. Waldman informed Council that Fire Chief Bill Hagendorf was going to present the item, which recognizes Fire Department employees. Chief Hagendorf gave

an overview of the Fire Department activities during National Fire Prevention Month, and more specifically, about the program presented to the City's schools. Chief Hagendorf described in detail the "Clown Brigade" show that is enacted each year and this year's show was titled the "Safety Pirates". Chief Hagendorf then introduced the members of the cast: Division Chief Kevin Culak, Fire Captain Matt Fellows, Lieutenant Jeff Keuper and Firefighter Jeff Kirkpatrick who were attired in the costumes worn in the show. Chief Hagendorf explained that the production requires many hours of preparation by these employees who must sacrifice time with their families. Council congratulated the cast on their successful production and thanked them for their commitment to this very popular program.

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Staff Reports

Item #3 Asst. City Manager/Public Works Director Shawn Eddy gave a PowerPoint presentation on the proposed new water meter contract with the San Antonio Water System (SAWS). Mr. Eddy informed Council that the City has requested to terminate the existing contract with SAWS and renegotiate a new 5-year contract that would reduce the scope and cost of services currently being provided. Mr. Eddy explained that the City prefers to give same-day service for installation, replacement and repair of water meters; however, SAWS is unable to give this same service due to the large number of customers it services. Consequently, under the new contract, the City would assume responsibility for meter maintenance. Mr. Eddy went on to say that the City would become part of a smaller meter reading group to provide customers with more consistent billing cycles. In the new agreement, SAWS would continue to provide meter reading and testing services. The new agreement would also reduce the cost by \$6,500 per year or \$78,000 over the remainder of the term of the existing contract. Mr. Eddy ended his presentation by saying that if the negotiations proceed as planned; he would be back to Council on November 10, 2008, to request approval for the new agreement after the SAWS Board approves it on November 4, 2008.

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Consent Items

Mayor Cooper read the captions to the Consent Items.

Item #4 Consideration of an Ordinance authorizing the City Manager to Execute an Interlocal Agreement for Designation of Health Authority and Appointing Fernando Guerra, M.D. as the Health Authority of Alamo Heights. Staff recommends approval.

Council Members Souter and Harwell asked for clarification on the purpose and requirement of this Ordinance. Fire Chief Bill Hagendorf responded that this provides the City with large scale support in the event of a catastrophe and is not mandated by the State but is simply voluntary on our part.

Ms. Souter then made a motion to adopt the Ordinance authorizing the City Manager to execute the Interlocal Agreement. Councilman Bobby Rosenthal offered a second and the motion passed.

Item #5 Consideration of an Ordinance authorizing the City Manager to enter into an Agreement with the City of Terrell Hills and the City of Olmos Park to extend by one (1) year the existing contract for police and fire dispatch service. Staff is recommending approval.

Councilman Kiel asked Police Chief Rick Pruitt if there were any prospects for bringing other cities into the system. Chief Pruitt advised Council that there are just the three (3) cities at present but added that once the City receives approval of the new radio system there will be a possibility of attracting additional participants.

Councilwoman Souter wanted to know if we could revisit this prospect in a year. Chief Pruitt answered that it will come up again before the City starts the next budget process.

Councilman Kiel made a motion to approve the Ordinance authorizing the City Manager to enter into an Agreement with the cities of Terrell Hills and Olmos Park to extend by one-year the existing contract for police and fire dispatch service. Councilman Stan McCormick seconded Councilman Kiel's motion and it passed by unanimous vote.

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Items for Individual Consideration

Mayor Cooper explained that due to the earlier than usual start time of the City Council Meeting, he was moving Item #7 up as Item #6 could not be heard by the Council until 5:30 p.m.

Councilman Bobby Rosenthal recused himself from participating in the discussion and any Council action on Item #7 as his law firm represents Clark Construction, who submitted a bid on this project. Councilman Rosenthal left the Council Chambers at 5:14 p.m.

Item #7 Mayor Cooper read the caption to an Ordinance.

AN ORDINANCE ACCEPTING THE LOWEST RESPONSIBLE BID AND AWARDING A CONTRACT FOR THE MILL AND OVERLAY OF BROADWAY FROM AUSTIN HIGHWAY TO ALBANY AVENUE AND THE IMPROVEMENT OF BASE AND PAVEMENT ON VIESCA NEAR THE SWIMMING POOL TO CLARK CONSTRUCTION AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE THE CONTRACT.

Assistant City Manager/Public Works Director Shawn Eddy showed a PowerPoint presentation explaining the competitive bid process that the City, assisted by Freese and Nichols, Inc., went through for this project. Mr. Eddy listed the bidders as Alamo City Constructors, Clark Construction, V. K. Knowlton Construction, Wagner Materials and H. L. Zumwalt Construction. Mr. Eddy explained that the apparent lowest bid was initially from Alamo City Constructors; however, Freese and Nichols, Inc. found an error in their bid resulting in an increased bid amount and eliminating Alamo City Constructors as the lowest bidder. In addition, Alamo City Constructors requested 50 additional working days for the East Castano reconstruction project after assuring the City and the Project Managers on several occasions that the project would be substantially complete by the deadline of October 26, 2008. Based on these two issues, Freese and Nichols, Inc. is recommending Clark Construction for the Broadway and Viesca project. Mr. Eddy went on to say that the bid of \$448,286.61 by Clark Construction is \$134,459.39 less than the \$582,746 estimated budget presented to Council on August 25, 2008. Mr. Eddy concluded his presentation saying that staff recommends approval of this Ordinance.

Council Members questioned Mr. Eddy about various aspects of the project and after a short discussion, Councilwoman Susan Harwell made a motion to adopt the Ordinance awarding the contract for the mill and overlay of Broadway from Austin Highway to Albany Avenue to Clark Construction and authorizing the City Manager to negotiate and execute the contract. Councilman Bill Kiel seconded her motion and the motion passed by a unanimous vote.

Councilman Bobby Rosenthal returned to the Council Chambers at 5:31 p.m.

Resident Margaret Spencer, 140 Patterson Avenue, asked where City property ends at the Olmos Dam and who is responsible for the repairs.

Mr. Eddy informed Ms. Spencer that the City had deeded the property at the entrance to the dam to the City of San Antonio many years ago and that they are responsible for the road repairs.

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Community Development Director Ann McGlone then presented Item #6, a request for a demolition permit for 222 Primrose Place by Francis and Catherine Burzik, owners, represented by Chesney-Morales & Associates, Inc., to demolish the existing two-story single family residence, the existing guest house and the existing detached five-car garage for the purpose of constructing a new two-story residence and attached garage on a property zoned Single Family A. Ms. McGlone informed Council that the home was built in the early 1930's during the Depression by Rudolph and Charlotte M. Menger. Catherine B. Menger, daughter of the founder of the Menger Hotel and mother of Rudolph Menger, lived in the home beginning in 1940. She was one of the two children of William A. Menger who were born in the Menger Hotel. The association with the Menger family contributes to the historic significance of the home to Alamo Heights.

Ms. McGlone further stated that the home is also significant because of its distinct architectural style, Italian Revival. Ms. McGlone stated that staff is recommending a Demolition Delay to give the City more time to research the property

Mr. Francis Burzik expressed to Council his disappointment with this decision to delay the demolition. Mr. Burzik told the Council Members that before he and his wife had purchased the property, they were assured that there was no historic designation on the property and there were no restrictions on the deed. Mr. Burzik went on to say that they had been very up-front with the owners about what they planned to do on the property, that there were no variances required and there were no heritage trees being removed. Mr. Burzik then left the meeting.

Mrs. Henrietta Hildebrand, 320 Primrose Place, told the Council that she had no problem with the demolition of the house, although she would be sad to see it go; however, she was concerned about the increased traffic on the street during construction. She asked that the City monitor the traffic during this time.

Councilwoman Souter asked Ms. McGlone if staff knew who the architect was for the home. Ms. McGlone answered no but that she hoped to find out during the research process. Ms. Souter stated that she agreed with staff's recommendation and would be making a motion to that effect.

Mayor Cooper commented that he didn't believe the owners wanted to keep the existing house and asked Ms. McGlone what she planned to do in this respect. Ms. McGlone responded that the Demolition Delay Ordinance allows the City to delay the hasty demolition of a significant structure. She explained that the house meets several criteria under this Ordinance and proposed that during the next 90 days staff meet with the owners and discuss the possibility of saving the house or incorporating a portion of the structure into the new design. She added that the existing house sits along the west property line and leaves a lot of open space for adding on to the structure and even installing a swimming pool.

Councilwoman Souter stated that residents on Primrose Place are concerned about the demolition but are not coming forward because they don't want to be at odds with their potential new neighbors.

Councilman Kiel commented that the replacement structure and the removal of some heritage trees were of concern to citizens. Mr. Kiel stated that he would support Councilwoman Souter's motion.

Councilwoman Harwell wanted to know what trees were to be removed. Mr. Kiel responded to her question saying that one of the trees to be removed meets the definition of a heritage tree under the City's Tree Preservation Ordinance. Ms. Harwell stated that the house is a significant structure because of the family connection and the architectural design and that the City needs more time to look into its history.

Mr. Dan Pfeil, representing his mother Betty Pfeil who resides at 218 Primrose Place, informed the Council Members that his mother has lived at this address for over 40 years and has concern about the property values increasing as a result of this development. He said she is also concerned about possible contaminants from the demolition of the structures and the effects on her health. Mr. Pfeil asked if we wanted to become a University Park or Highland Park.

Mr. Marty Glenn informed the Council that he lived in the house for three years, although he does not live in Alamo Heights now, and assured them that the house is structurally sound, from a developer's standpoint, and only had a few interior problems. Mr. Glenn noted that the house is ill situated on the lot; almost all of it is along the West property line. He said that he never thought of demolishing the house, just adding to it and taking advantage of the large lot.

Councilman Rosenthal expressed his sympathy for the two gentlemen who had just addressed the Council but noted that the guidelines in the City's Ordinance were met and he didn't want to seem unsympathetic with the owners of the property.

Councilwoman Souter suggested that staff meet with the owner and the architect to work something out. She added that this is a large lot with a number of options for development and that the residents would appreciate an opportunity to meet with them as well.

Councilman Stan McCormick related to the audience the reasons leading up to the adoption of a Demolition Delay Ordinance and expressed his regret that Mr. Burzik left before the end of the discussion. Councilman McCormick commented that it was unfortunate that, apparently, Mr. Burzik had no knowledge of what the City had been through during the past five to seven years in regards to demolitions.

Ms. Laura Theurer, 139 Wildrose Avenue, told the Council Members that she had been friends with the previous owners of the property and testified to the sturdiness of the home; adding that the home had never been neglected.

Councilwoman Souter offered a motion to accept staff's recommendation that the City Council institute a demolition delay for the property at 222 Primrose Place, with Councilwoman Harwell seconding her motion. All members of the Council voted in favor and the motion passed.

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Mayor Cooper announced that he would be skipping Agenda Item #8 as a closed session would not be necessary and moved on to Agenda Item #9.

Item #9 City Attorney Mike Brenan presented a proposal from Avn2ra Development Partners II to pay the Joint Cities \$250,000 for the release of the lien on the landfill property. Mr. Brenan stated that the proposal would require a payment schedule

of a down payment of \$5,000 immediately, and payments of \$40,500 semi-annually beginning May 1, 2009, with additional payments following on the 1st day of November and May of each year until the \$250,000 amount is paid in full, at which time the Joint Cities would release their lien. Mr. Brennan added that the Joint Cities notified Avn2ra II that they would be willing to discount the total amount due as follows: (A) If they pay \$25,000 immediately rather than \$5,000, the Joint Cities will accept the total sum of \$225,00 in exchange for a release of their lien, provided that the described payment schedule as stated above is met, (B) if they pay \$25,000 immediately rather than \$5,000 and meet the payment schedule stated previously, except that the total amount is paid in full on or before November 1, 2010, the Joint Cities will discount the payoff for a release of their lien to the total sum of \$200,000, or (C) if they pay \$25,000 immediately rather than \$5,000 and meet the payment schedule as stated above, except that the total amount is paid in full on or before November 1, 2009, the Joint Cities will discount the payoff for a release of their lien to the total sum of \$175,000. Mr. Brennan advised Council that the County was about to foreclose on the property for unpaid taxes and if that did occur, the Joint Cities would not receive any money from the sale of the property; consequently, staff recommends Council adopt the Resolution approving the proposal.

A short discussion ensued ending in a motion by Councilman Rosenthal to adopt the Resolution approving the proposal from Avn2ra Development Partners. Councilwoman Harwell offered a second to the motion and it passed by unanimous vote.

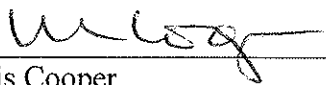
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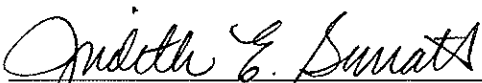
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All regular agenda business being concluded, Mayor Cooper called for a motion to adjourn the regular meeting of the City Council. Councilman Kiel made the motion; seconded by Councilman McCormick. The motion passed.

Mayor Cooper declared the meeting adjourned at 6:45 p.m.



Louis Cooper
Mayor



Judith E. Surratt
Deputy City Secretary